

AMENDED IN SENATE APRIL 9, 2012

AMENDED IN SENATE MARCH 26, 2012

SENATE BILL

No. 1146

Introduced by Senator Pavley
(Coauthor: Assembly Member Solorio)

February 21, 2012

An act to amend Section 13752 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 1146, as amended, Pavley. Wells: reports: public availability.

Existing law requires a person who digs, bores, or drills a water well, cathodic protection well, or a monitoring well, or abandons or destroys a well, or deepens or re-perforates a well, to file a report of completion with the Department of Water Resources. Existing law prohibits those reports from being made available to the public, except under certain circumstances.

This bill would instead require the department to, upon request, make the reports available to the public. The bill would require the department to provide specified disclaimers when providing the reports to the public. The bill would also allow the department to charge a fee; for the provision of a report *to recover the department's costs*, that does not exceed the reasonable costs to the department of providing the report ~~for each release of a report~~, and would require the release of a report to comply with the Information Practices Act of 1977. The bill would also require a person who requests a report to provide his or her name, address, and reason for making the request.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 13752 of the Water Code is amended to read:

13752. (a) Upon request, the department shall make available to the public a report made in accordance with paragraph (1) of subdivision (b) of Section 13751.

(b) When providing a report to the public pursuant to subdivision (a), the department shall also provide a statement that includes all of the following:

(1) The information provided in a report varies in accuracy, scale, origin, and completeness.

(2) The information is provided without warranty of the suitability of the information for any particular purpose.

(3) Use of the information in the report may require professional interpretation or judgment.

(4) Any use of the information provided in a report is at the user's own risk.

(c) (1) The department may charge a fee, for the provision of a report ~~requested pursuant to subdivision (a)~~ *to recover the department's costs*, that does not exceed the reasonable costs to the department of providing the report *pursuant to this section*.

(2) The release of a report in possession of the department shall comply with the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code).

(d) (1) A person making a request pursuant to subdivision (a) shall, on a form provided by the department, provide his or her name, address, and reason for making the request.

(2) The department shall maintain copies of the forms submitted pursuant to paragraph (1) for five years.